IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 92 of 1994

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SHARMISHTABEN LALSINH VAGHELA

Versus

DIPENDRA SARABHAI

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Appearance:

1. Appeal from Order No. 92 of 1994

MR JT TRIVEDI for Petitioner No. 1

MS DEVYANI N DAVE for Petitioner No. 1

MR PT JASANI for Respondent No. 1 - Absent

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CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 29/11/2001

ORAL JUDGEMENT

1. Against the impugned order dated 12.11.1993, passed by the learned Judge, City Civil Court No.23,

Ahmedabad, below Ex.6 in Regular Civil Suit No.290 of 1993, the appellant - original plaintiff has filed this Appeal from Order in the year 1994, which was admitted long back and pending since last 7 years with the interim relief operating in favour of the appellant - plaintiff.

2. Considering the peculiar facts and circumstances of the case, learned Counsel Shri Trivedi for the appellant made only one request that by continuing the interim relief granted earlier by this Court the trial Court be directed to dispose of the Regular Civil Suit No.290 of 1993 at the earliest with a direction to the parties to fully cooperate with the early disposal of the Suit. The respondent is duly served, but unfortunately Shri Jasani, appearing for the respondent is not present. However, there cannot be any difficulty in passing the aforesaid order as requested by Shri Trivedi because the impugned order passed by the trial Court, way back in 1993, has already stayed for more than 8 years.

3. In view of the above, without going into the legality and validity of the impugned order passed by the trial Court, this Appeal from Order is disposed of with a direction to the learned trial Judge to decide the main Regular Civil Suit No.290 of 1993 as early as possible and not later than 31st December 2002. The parties shall fully cooperate with the final disposal of the Suit. Interim relief granted earlier by this Court shall continue till the final disposal of the Suit.

Civil Application No.57 of 1994 will not survive in terms of the order passed in the main Appeal. The same is accordingly disposed of.

sd/-

Date : November 29, 2001 (B.J.Shethna, J.)

*sas*